IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.195 OF 2006
IN
FAMILY COURT APPEAL NO.129 OF 2006

Pohumal Tarachand Gangwani ..Applicant

Vs.

Sita Pohumal Gangwani ..Respondent

Mrs.Pradnya Chavan for Mrs.Manjula Rao
counsel for applicant
Mr.S.S.Kulkarni counsel for respondent

CORAM: S.B.MHASE &
SMT.V.K.TAHILRAMANI,JJ.

DATE : JANUARY 09, 2007

P.C.

1. Heard both sides.

2. This is a civil application to stay the decree passed in Petition No.C-237/2003 wherein the appellant-husband is directed to pay Rs.3,000/- p.m. as a maintenance to the respondent-wife. So also, the appellant and his servants, agents and other persons acting on his behalf are restrained by an order of permanent injunction from in any manner disposing and/or dealing with matrimonial home of

the petitioner i.e. Flat No.C-1, Asha Bhavan, 14th Road, Khar (West), Mumbai-400052 and he is further to deposit an amount of Rs.25,000/- towards the costs. Mrs.Chavan, the learned counsel for the applicant-husband states that the amount of costs has been paid and it is submitted that the decree for Rs.3,000/- for maintenance be stayed.

3. We have perused the civil application. No ground is made out in the civil application as to why the decree is being sought to be stayed. So also, no grounds have been made out as to why decree of injunction should be stayed. Therefore, civil application itself is misconceived one. Apart from that, what we find that it will be inappropriate to stay decree for maintenance when it is an obligation of husband to maintain the wife. Nothing has been demonstrated from the judgment as to how the decree has been improperly passed. Therefore, we do not find any merit in the civil application. Civil application is hereby rejected.

[SMT.V.K.TAHILRAMANI,J.] [S.B.MHASE, J.]